

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

JONATHAN RIVERA-PIEROLA,)
)
Plaintiff,)
)
-vs-) Case No.
)
BOARD OF REGENTS for the) CIV-21-616 PRW
OKLAHOMA AGRICULTURAL and)
MECHANICAL COLLEGES, et al.,)
)
Defendant.)

VIDEOCONFERENCE DEPOSITION OF
STEFANO DI CONCETTO, DVM

TAKEN ON BEHALF OF THE PLAINTIFF
ON JUNE 13, 2023
IN TUTTLE, OKLAHOMA

REPORTED BY: LANA L. LEDFORD, CSR (VIA ZOOM)
CITY REPORTERS
14 Northeast 13th Street, Suite 101
Oklahoma City, Oklahoma 73104
(405) 235-3376

Stefano Di Concetto
June 20, 2023

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1 APPEARANCES:

3 FOR THE PLAINTIFF (VIA ZOOM):

4 MR. JASON J. BACH
Bach Law Firm
5 7881 West Charleston, Suite 165
Las Vegas, NV 89117
6 Telephone: 702.925.8787
Email: jbach@bachlawfirm.com

7
8 FOR THE DEFENDANT (VIA ZOOM):

9 MR. CLINTON W. PRATT
Office of Legal Counsel
10 Student Union, 5th Floor
Oklahoma State University
11 Stillwater, Oklahoma 74078
Telephone: 405.744.6494

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13
14 ALSO PRESENT: Larry Narvaez, City Reporters
(VIA ZOOM)

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S T I P U L A T I O N S

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys, that the videoconference deposition of STEFANO DI CONCETTO, DVM may be taken on behalf of the Plaintiff on JUNE 13, 2023, in Tuttle, Oklahoma, by Lana L. Ledford, Certified Shorthand Reporter for the State of Oklahoma, taken by notice and pursuant to the State of Oklahoma Rules of Civil Procedure.

It is further stipulated and agreed by and between the parties hereto, through their respective attorneys, that all objections, except as to the form of the question and the responsiveness of the answer, are reserved until the time of trial, at which time they may be made with the same force and effect as if made at the time of the taking of this deposition.

* * * * *

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1 STEFANO DI CONCETTO, DVM,
2 of lawful age, being first duly sworn, deposes
3 and says in reply to the questions propounded as
4 follows:

5 * * * * *

6 EXAMINATION

7 BY MR. BACH:

8 Q Can you state your name for the record,
9 please?

10 A Stefano Di Concetto.

11 Q And Dr. Di Concetto, my name is Jason
12 Bach. I'm the attorney for Jonathan
13 Rivera-Pierola, and you understand that he's
14 brought a lawsuit against Oklahoma State
15 University?

16 A Yes, I do.

17 Q Okay. Have you ever have you ever had
18 your deposition taken before?

19 A No.

20 Q Okay. So there is a court reporter who
21 is on -- on screen with us who is going to take
22 down everything that's said here today. The oath
23 that she administered is the same oath that you
24 would take in court.

25 Do you understand that?

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1 necessarily know upfront that it was him. I knew
2 there was a student on probation, but we were not
3 privy to knowing who it was, and I was not
4 definitely available of his arrangements with the
5 administration, prior to coming to me.

6 Q Were you aware that he had agreed to
7 specific terms to be allowed to continue in the
8 clinical program at OSU?

9 A No.

10 Q Did any other students in the
11 anesthesiology rotation, at the same time as Mr.
12 Rivera-Pierola, fail that rotation?

13 A No.

14 Q You also talked with Mr. Bach about the
15 final set of rounds scheduled to occur Friday
16 afternoon after the final exam, and that those
17 rounds were not held, that there was an email
18 sent that terminated the rotation early prior to
19 those rounds being held.

20 Had those rounds been held, what
21 material would have been covered?

22 A Generally, the Friday afternoon of the
23 last week of rotation was a Q-and-A open session
24 with the students -- because everything was
25 pretty much completed. So this was for the

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1 students who had final doubts or questions or
2 clarifications before transitioning to working
3 practice. It was not uncommon for some students
4 to say so, if I were to have to do this on my
5 own, what such-and-such. So it was not a
6 specific didactic structure. It was more, like,
7 open for I would call it last comments or
8 clarifications, if the students had any.

9 It is -- I don't recall the specific
10 details of every single rotation. It is possible
11 that some Friday afternoon rounds of the last
12 week of rotation had been previously used to
13 discuss, perhaps, a specific topic that students
14 wanted to discuss and had not been time exactly
15 because we were in the operating rooms.

16 It was kind of less likely on a virtual
17 situation because it was plenty of time to
18 discuss things via Zoom.

19 Q If students took the exam earlier that
20 morning, would they have been tested on any
21 material that was not covered during the
22 rotation?

23 A No.

24 Q And I think I'm hearing you say that
25 Friday afternoon, no new material would have been

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1 provided to the students --

2 A No.

3 Q -- at least -- at least from your
4 standpoint.

5 I think you said there may have been a
6 situation where students maybe asked about a
7 topic that they were interested in. But nothing
8 that you were presenting to the rotation and
9 expecting them to have knowledge of; correct?

10 A Yes. Correct.

11 And in general, my impression was that
12 by the last Friday of the rotation, the students
13 had had enough. So asking them to be present on
14 Friday afternoon until 5:00, they probably would
15 have gone willingly away without. That was the
16 Friday mood in general. So!

17 Q Understood.

18 Based on your observations and
19 assessment of Mr. Rivera-Pierola, was his
20 performance during the rotation sufficient to
21 receive a passing grade?

22 A No. No. Primarily, because of the
23 objective assessment of knowledge from the exam.

24 MR. PRATT: I have no additional
25 questions.

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2 J U R A T

3

4 STATE OF CALIFORNIA)) SS:
5 COUNTY OF _____)

6 I, STEFANO DI CONCETTO, DVM, do hereby
7 state under oath that I have read the above and
8 foregoing deposition in its entirety, and that
9 the same is a full, true, and correct
10 transcription of my testimony so given at said
11 time and place, except for the corrections noted.

12
13 STEFANO DI CONCETTO, DVM

14
15 Subscribed and sworn to before me, a
16 Notary Public in and for the State of Oklahoma by
17 said witness, STEFANO DI CONCETTO, DVM, on the
18 _____ day of _____ 2023.

19
20 Notary Public in and for the
21 State of Oklahoma

22 My Commission Expires: _____

23 My Commission Number: _____

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1 C O R R E C T I O N S H E E T

2 NAME: STEFANO DI CONCETTO, DVM
3 CASE: RIVERA-PIEROLA VS. BOARD OF REGENTS
4 DATE: JUNE 13, 2023
REPORTER: LANA L. LEDFORD, CSR

PG/LN CORRECTION REASON FOR CORRECTION

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1 C E R T I F I C A T E

2 STATE OF OKLAHOMA)
3 COUNTY OF OKLAHOMA) SS:

4 I, Lana L. Ledford, a Certified
5 Shorthand Reporter within and for the State of
6 Oklahoma, certify that STEFANO DI CONCETTO, DVM
7 was sworn to testify the truth; that the
8 deposition was taken by me in stenotype and
9 thereafter transcribed by computer, and is a true
10 and correct transcript of the testimony of the
11 witness; that the deposition was taken virtually
12 on JUNE 13, 2023; that I am not an attorney for
13 nor relative of either party, or otherwise
14 interested in this action.

15 Witness my hand and seal of office on
16 the 20TH day of JUNE 2023.
17

18
19 _____
20 LANA L. LEDFORD, CSR
for the State of Oklahoma
CSR #01776
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